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Attorneys for Defendants,  
John W. Pollock and Millwood Trucking, Inc.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THEO JOHNSON,	)	Case No.
Plaintiff,	)	<b>DEFENDANTS' NOTICE OF REMOVAL OF ACTION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA</b>
vs.	)	
JOHN W. POLLOCK; MILLWOOD TRUCKING, INC.; DOES I through XX,	)	
inclusive; and ROE BUSINESS ENTITIES I through XX, inclusive,	)	
Defendants.	)	

**TO: THE UNITED STATES DISTRICT COURT FOR DISTRICT OF  
NEVADA:**

Please take notice, Defendants, John W. Pollock and Millwood Trucking, Inc., by and through their attorneys of record, Lucian J. Greco, Esq., Scott W. Ulm, Esq., and Danielle M. Meriwether of Bremer Whyte Brown & O'Meara, LLP, hereby submits this Notice of Removal to the United State District Court for the District of Nevada.

PLEASE TAKE NOTICE that Defendants, John W. Pollock and Millwood Trucking, Inc., hereby removes the state action entitled "THEO JOHNSON vs. JOHN

W. POLLOCK; MILLWOOD TRUCKING, INC., et al.” Case No. A-21-832267-C filed in the Eighth Judicial District Court for the State of Nevada in and for the County of Clark to this Court. The grounds for removal are as follows:

1. Removal is appropriate pursuant to 28 U.S.C. §1441(b) because there is diversity of citizenship sufficient to justify removal in that Plaintiff THEO JOHNSON is a citizen of the State of Nevada and Defendant Theo Johnson is a citizen of the State of Illinois and Defendant Millwood Trucking, Inc. is a citizen of the State of Arkansas as it is incorporated in Arkansas. As such, there is now complete diversity between Plaintiff and Defendants.
2. Plaintiff filed his Complaint on April 2, 2021, against Defendants John W. Pollock and Millwood Trucking, Inc.
3. Service of Summons and Complaint upon John W. Pollock was made on May 6, 2021.
4. Service of Summons and Complaint upon Millwood Trucking, Inc. was made on April 27, 2021.
5. Defendants filed an Answer on May 18, 2021.
6. Plaintiff Petition for Exemption from Arbitration was filed on May 19, 2021 and granted by the Eighth Judicial District Court on June 2, 2021.
7. No further proceedings have been had in this matter in the Eighth Judicial District Court, Clark County, State of Nevada.
8. Pursuant to 28 U.S.C. §1446(b), Defendants provide this Court with copies of the following documents:
  - a. Complaint, attached hereto as **Exhibit A**.
9. The sum of the damages alleged by Plaintiff that have occurred or will occur, necessarily exceeds \$75,000.00, exclusive of interest and costs, based on the following facts: Plaintiff alleges in his Petition for Exemption from Arbitration, that his past medical damages exceed \$57,862.14. In addition, Plaintiff continues to treat. He has been recommended for left shoulder surgery,

1 additional cervical injections, and has presented for a neurological consultation  
2 with Dr. Enrico Fazzini.

3 10. This Court has original jurisdiction over the subject matter of this action under  
4 the provisions of Section 1332 of Title 28 of the United States Code in that there  
5 is complete diversity between the parties and more than \$75,000.00 in  
6 controversy exclusive of interest and costs. Pursuant to Section 1441 of Title  
7 28 of the United States Code, Defendants are therefore entitled to remove this  
8 action to this Court.

9 11. Thirty days have not elapsed since Defendants first received a paper identifying  
10 the basis for removal, Plaintiff's Petition for Exemption from Arbitration, filed  
11 on May 19, 2021.

12 12. A true and correct copy of this Notice of Removal is being filed this date with  
13 the Clerk of the Eighth Judicial District Court, Clark County, State of Nevada.

14 Dated: June 17, 2021


BREMER WHYTE BROWN & O'MEARA  
LLP

15  
16 By: 

17 Lucian J. Greco, Jr., Esq.  
18 Nevada State Bar No. 10600  
19 Scott W. Ulm, Esq.  
20 Nevada State Bar No. 12652  
21 Danielle M. Meriwether, Esq.  
22 Nevada State Bar No. 14924  
23 Attorneys for Defendants  
24 John W. Pollock and Millwood  
25 Trucking, Inc.  
26  
27  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of June 2021, a true and correct copy of the foregoing document was electronically delivered to CM/ECF for filing and service upon all electronic service list recipients.



Shannon Formont, an employee of  
BREMER WHYTE BROWN &  
O'MEARA, LLP